

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DOMININIC DAVIS, et al.,)
)
 Defendants.)
)
 _____)

2:06-cr-00239-RCJ-PAL

ORDER

Defendants Dominic Davis and Harlon Jordan were convicted of brandishing a firearm during, in relation to, and in furtherance of a conspiracy to commit bank robbery under 18 U.S.C. § 924(c). They moved for relief from these convictions pursuant to 28 U.S.C. § 2255, claiming that their convictions are improper under *Johnson v. United States*, 135 S. Ct. 2551 (2015). In *Johnson*, the Court invalidated the residual clause of the Armed Career Criminal Act. At the time of their original motions, the Ninth Circuit held that the Supreme Court has not yet recognized whether *Johnson* also invalidated the residual clause in § 924(c)(3)(B). This Court denied these motions, and both Defendants appealed. During the course of the appeal, the Supreme Court held that the residual clause under § 924(c)(3)(B) was also unconstitutional in *United States v. Davis*, 139 S. Ct. 2319 (2019). Defendants therefore filed renewals of their § 2255 motions based upon *Davis*.

(ECF Nos. 255 and 256.) The Ninth Circuit has since affirmed the Court's denials of their underlying motions and considered *Davis*. (ECF No. 257.) For this reason, the Court denies the renewals as moot.

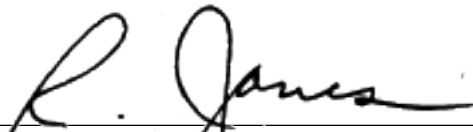
CONCLUSION

IT IS HEREBY ORDERED that Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. 2255 (ECF No. 255) is DENIED AS MOOT.

IT IS FURTHER ORDERED that Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. 2255 (ECF No. 256) is DENIED AS MOOT.

IT IS SO ORDERED.

Dated November 8, 2021.



ROBERT C. JONES
United States District Judge